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Attorneys for Herb Reed Enterprises, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HERB REED ENTERPRISES, LLC, a
Massachusetts Company

Plaintiff,

vs.

FLORIDA ENTERTAINMENT
MANAGEMENT, INC., a Nevada company;
and LARRY MARSHAK, an individual

Defendants.

CASE NO. 2:12-cv-00560-MMD-GWF

**STIPULATED ORDER OF DISMISSAL
OF REMAINING CLAIMS AND FOR
RELEASE OF BOND**

Judgment on Counts I-III of the Complaint and a permanent injunction having been entered (the "Permanent Injunction," Doc. 154), Plaintiff Herb Reed Enterprises, LLC ("HRE") on the one hand, and Larry Marshak ("Marshak") and Florida Entertainment Management, Inc. ("FLEM") on the other hand (collectively the "Defendants"), stipulate as follows:

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), the remaining claim of HRE's Complaint (Dilution) and Defendants' counterclaims are hereby dismissed, with prejudice, all parties to bear their own costs. Final judgment is entered with all rights of appeal waived.

2. The Court shall retain jurisdiction over enforcement of the Parties' settlement

1 agreement and the Permanent Injunction, and an action to enforce the parties' settlement agreement
 2 or enforce the Permanent Injunction shall in no manner be barred by the dismissal of the remaining
 3 claims. See Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 381 (1994) (permitting
 4 federal courts to maintain jurisdiction over settlement agreements so long as jurisdiction expressly
 5 retained in order of dismissal); Ortolf v. Silver Bar Mines, Inc., 111 F.3d 85, 87-88 (9th Cir. 1997)
 6 (applying Kokkonen exception).

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 8 3. The Clerk is directed to release the bond posted by HRE to Sommers Law, PLLC
 9 counsel of record, and take such other action as necessary to close this case.

10 Dated this 3rd day of February, 2015.

Dated this 3rd day of February, 2015.

11 SOMMERS LAW, PLLC

LEASON ELLIS LLP

12
 13 /s/ Eric Sommers
 14 SOMMERS LAW, PLLC
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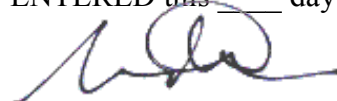
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20
 21 *Attorneys for Herb Reed Enterprises, LLC*

*Attorneys for Larry Marshak and
 Florida Entertainment Management, Inc.*

22
 23
 24
 25 **SO ORDERED.**

26 ENTERED this 4th day of February, 2015.

27 

28 UNITED STATES DISTRICT JUDGE

Gordon Silver

Attorneys At Law

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